

Regarding the recommendations of the pro se commission, let me first say I believe the Commission has done an admirable job in fulfilling the task it was assigned. My primary complaint is, and always has been, with the task itself.

There are, and always will be, lots of low income litigants, who have difficulty hiring counsel, and it is certainly legitimate for the Bench and the Bar to explore ways to make quality legal services available to those of limited means. It is, however, a mistake to assume that all pro se litigants are too poor to hire lawyers. Indeed, very few of the pro se litigants in my court file in forma pauperis, which you would expect of litigants too poor to hire lawyers and to pay filing fees. Most of the parties, who claim to be unable to afford a lawyer, are also unable to pay for a car or a major household appliance. When they need to replace those items, however, they freely borrow the necessary funds, something they are unwilling to do, when faced with a legal problem.

My own experience with pro se litigants in family court is that they are generally very bright and very affluent. Although they could hire lawyers, they choose not to do so, because they think they are smart enough to handle their own case and they don't want to pay a lawyer to just "shuffle some papers." These litigants do not appreciate the complexity of the legal issues involved, nor do they value the assistance a lawyer can provide.

We cannot, of course, prevent anyone from proceeding pro se. We should not, however, encourage them to do so with free, "simple" fill-in-the-blank forms, thereby reinforcing the message that anyone can handle their own case and that you really don't need a lawyer after all. (As one who has spent thousands of dollars to complete law school, passed a rigorous examination to become licensed to practice law, and paid thousands of dollars over the years to maintain that license, I find this subtle, yet inescapable, message rather offensive.)

Rather than hire lawyers, pro se litigants are seeking legal advice from our clerks. I don't care what kind of guidelines you prepare, it is simply unfair to expect our clerks, most of whom hold only a high school diploma, to have to decide what is and what is not legal advice. This problem will only mushroom if our underpaid and overworked clerks have to start neglecting their regular duties in order to "assist" pro se litigants in filling out preprinted forms.

Although I appreciate the challenges facing pro se litigants, considerations of judicial impartiality, judicial economy, and fairness to all parties should prohibit us from relaxing the standards or procedures for pro se litigants that licensed lawyers are required to follow. See, *Dressel v. Dressel*, #ED88482, May 9, 2007, *Gossett v. Gossett*, 98 S.W.3d 899 (Mo. App. 2003).

I am also a bit mystified as to why there is such a push to assist pro se litigants in family law matters. There are certainly many defendants in criminal and traffic courts, who cannot afford private counsel and who do not qualify for the services of a public defender. I know of no effort to assist these litigants in representing themselves. There are certainly many defendants on landlord-tenant and collection dockets, who cannot afford private counsel and who do not qualify for the services of a legal aid lawyer. I know of no effort to assist these litigants in representing themselves. It is only in the family law arena that we see this effort to assist pro se litigants.

I have presided over a family court docket for almost twelve years now. The short no-asset dissolution of marriage cases are few and far between. The cases involving children, real estate, pensions and debts make up the vast majority of the docket. Pro se litigants have absolutely no idea how to complete a proper Form 14 or procure a legal description, let alone how to draft a QDRO or a QMCSO. Even if they are provided with forms, they cannot properly complete them without assistance. They look for that assistance from the clerks, who are not qualified to give it, or to the judge, who is not allowed to give it. They get frustrated and angry, when they don't get help from the clerks or the judge. Whatever negative impression they had of the courts before, is now reinforced. We will be doing ourselves a great disservice

by creating supposedly "user friendly" websites and forms, which most of the pro se litigants will not be able to complete correctly.

Thank you for considering my comments. The views expressed here are my own, and do not represent the views of any other member of the Eleventh Judicial Circuit Court.

Norman C. Steimel III  
Associate Circuit Judge, Div. 10  
St. Charles County Family Court

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Attached please find a letter drafted on behalf of the Clay County Bar Association. Thank you for your time and consideration.

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